FARAD CONTINUATION SHEET NO
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

C.A.NO.4063 OF 2004 IN FIRST APPEAL ST. NO. 25146 OF 2004

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

Ms. Kiran Bhagalia with Asha Bhambani for the Applicant/Appellant.

Mr. B.G. Tangsali for the Respondents/Original Claimants.

CORAM : H.L. GOKHALE &
R.S. MOHITE, JJ.
DATED : 30/11/2004.

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P.C.

1. Heard Mrs. Bhagalia for the appellant. Mr. Tangsali for the original claimants who are respondent Nos.A to F. Mrs. Bhagalia states that the copy of the civil application has been served on the Government Pleader. This application prays for stay of the award dated 17.4.2004 passed by the learned Civil Judge, S.D., Ratnagiri in Land Reference No.32 of 1995. Mrs. Bhagalia points out that in similar matter stay has been granted by this

court on the appellant Konkan Railway Corporation depositing 50% of the decretal amount in the Trial Court. As far as remaining 50% amount is concerned, the appellant-Corporation will give an undertaking to make the amount available in the event the award is confirmed. The respondents have no objection to only 50% of the amount being deposited. The respondents will have liberty to withdraw the 50% amount of the award when deposited. The appellant Corporation has no objection to the respondents withdrawing this 50% amount without giving any security but subject to filing an undertaking that in the event the final decision goes against them, they will refund the said 50% amount to the appellant. The said undertaking to be filed in the Trial Court. As far as appellant Corporation is concerned they will file undertaking in this court through their Managing Director or Sr. Officer or Authorised Signatory that the remaining amount will be paid in the event the appeal is dismissed. The

undertaking will be filed in this court within a period of four weeks from today. The appellant Corporation will deposit the amount within a period of four weeks from today.

2. Mr. Tangsali points out that in some similar matters the amount were deposited by the Corporation in advance and they were invested in fixed deposit. If any such thing is happened in the present matter, the Trial Court will break the fixed deposit and release 50% amount to the respondents.

3. Civil application is granted in the above terms.

4. All concerned to act on a copy of this order duly authenticated by the Sheristedar/C.S. of this court.

(H.L. GOKHALE, J.)

(R.S. MOHITE, J.)